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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Secretary-General

Addendum

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II. ANALYTICAL PRESENTATION OF REPLIES RECEIVED FROM STATES AND INTERNATIONAL ORGANIZATIONS

C. Encouragement of the progressive development and codification of international law

42 bis. The International Maritime Organization (IMO) reported that at its seventy-second session, in April 1995, the Legal Committee concluded its work on a draft Convention for liability and compensation in connection with the carriage of hazardous and noxious substances by sea. The draft is expected to be adopted at a diplomatic conference in the spring of 1996. It establishes a system for compensation and liability, covering in principle all kinds of hazardous and noxious substances (HNS) defined by reference to existing lists of such substances, such as the International Maritime Dangerous Goods Code and Annex II of the International Convention for the Prevention of Pollution from Ships. It goes further in its scope than the oil pollution compensation regime in that it would cover not only pollution but also the risks of fire and explosion. The draft Convention introduces strict liability for the shipowner, higher limits of liability than the present general limitation regimes and a system of compulsory insurance and insurance certificates. It tries at the same time to establish a link to these general limitation regimes in order to make the best possible use of the limited capacity in the insurance market and to avoid unnecessary costs for the shipowner. It has generally been agreed that it would not be possible to provide sufficient cover only through the shipowner's liability for the damage that could be caused in connection with the carriage of HNS cargo. This liability, which forms a first tier of the Convention, is therefore supplemented by a second tier, the HNS Fund, financed by cargo interests. IMO further observed that the Legal Committee had also continued with its consideration of a draft protocol to amend the Convention on Limitation of Liability for Maritime Claims, 1976, with a view to concluding this work in time for the draft to be submitted for consideration and adoption by the HNS Conference in 1996. In addition, IMO stated that the following diplomatic conferences had taken place: a Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, which adopted new chapters IX to XI to be added to the Annex to the Convention (17-24 May 1994); a Conference of Parties to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, which adopted amendments to Annexes I, II, III and V of the Convention (1-3 November 1994); a Conference of Parties to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, which adopted amendments to the Convention's Annex and an associated Seafarers' Training, Certification and Watchkeeping Code (26 June-7 July 1995); and an International Conference on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, which adopted an International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (26 June-7 July 1995).

43 bis. The Council of Europe indicated that the progressive development of international law and its codification were a central focus of the Committee of Legal Advisers on Public International Law (CAHDI), which reports directly to the Committee of Ministers of the Council of Europe. CAHDI examines many different questions relating to public international law, such as: the work of

the Sixth Committee of the United Nations General Assembly; the work of the International Law Commission; State succession in Europe relating to treaties; jurisdictional immunities of States and their property; the law and practice relating to reservations, in particular as regards human rights treaties; the United Nations Decade of International Law; debts of embassies and diplomats; and the international ad hoc tribunals on the former Yugoslavia and on Rwanda.

D. Encouragement of the teaching, study, dissemination and wider appreciation of international law

5. Publication of the practice of States and international and regional organizations in the field of international law

76 bis. The Council of Europe recalled that, in 1990, CAHDI had set up a Group of Specialists on publications concerning State practice in the field of public international law (DI-S-PR). The Group was in particular studying the feasibility of a pilot project on documentation concerning State practice relating to State succession and issues of recognition. CAHDI considered that the project would constitute a highly useful contribution from the Council of Europe to the United Nations Decade of International Law. The pilot project was approved by CAHDI in March 1994 and was launched in May 1994. The next meeting of DI-S-PR will be held from 5 to 7 September 1995, when the Group will, inter alia, meet with national coordinators appointed by States members of the Council of Europe for the purpose of the project. The aim of the project is to ascertain whether it is possible to gather data on State practice in the States members of the Council of Europe with regard to State succession and issues of recognition and subsequently to make them accessible to all States members of the Council of Europe. This will encourage member States whose State practice is not documented at present to start to build a collection in this field. If both objectives prove feasible, the project could later be extended to other areas of international law, as referred to in the Council of Europe's 1968 Model Plan for documentation concerning State practice. The final aim is to present, on behalf of the Council of Europe, a publication on the State practice of the members of the Council of Europe as a contribution to the United Nations Decade of International Law. The target groups or users of documentation on State practice would be primarily the executive branch, legislature and judiciary of member States, international organizations, as well as law firms, business circles and the academic world.